

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

MARSHALL DIVISION

CARL ELMON HUNT, #832307

§

VS.

§

CIVIL ACTION NO. 2:19cv82

TROY HORNSBY, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Carl Hunt, an inmate proceeding *pro se*, filed this numbered civil rights lawsuit. The complaint was referred to United States Magistrate Judge Roy S. Payne for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On January 18, 2022, Judge Payne issued a Report, (Dkt. #8), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to prosecute his own case. Judge Payne further recommended suspending the statute of limitations for a period of sixty days from the date of the final judgment. *See Campbell v. Wilkinson*, 988 F.3d 798, 801 n.1 (5th Cir. 2021) (explaining that "[w]here further litigation of [a] claim will be time-barred, a dismissal without prejudice is no less severe a sanction than a dismissal with prejudice, and the same standard of review is used.""). A copy of this Report was sent to Plaintiff at his last-known address, with an acknowledgment card. To date, however, no objections have been filed.

Because objections to Judge Payne's Report have not been filed, Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).


The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (holding that where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #8), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights action is **DISMISSED**, without prejudice, for Plaintiff's failure prosecute his own case. The statute of limitations in this case is hereby **SUSPENDED** for a period of sixty (60) days from the date of this order. Finally, it is

ORDERED that any and all pending motions which may be pending in this case are hereby **DENIED** as **MOOT**.

So ORDERED and SIGNED this 11th day of February, 2022.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE